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Compilation on Bahrain

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. The Committee on the Elimination of Discrimination against Women encouraged Bahrain to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women[3] and to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.[4] The Office of the United Nations High Commissioner for Human Rights (OHCHR) urged Bahrain to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[5] The Committee on the Elimination of Discrimination against Women and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[6] UNHCR recommended that Bahrain accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[7]

3. The Committee on the Elimination of Discrimination against Women called upon Bahrain to withdraw its reservations to articles 2 and 9 (2) of the Convention on the

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Elimination of All Forms of Discrimination against Women.[6] It also called upon Bahrain to reassess its reservations to articles 15 (4) and 16 of that Convention with a view to withdrawing them.[7] The United Nations country team noted that women's groups continued to perceive that the reservations to articles 15 (4) and 16 remained in place despite the approval by the parliament of Decree No. 70 of 2014, rewording the reservations made by Bahrain.[8]

4. The country team reported that, since the second cycle of the universal periodic review, OHCHR had aimed to increase its engagement with the Bahraini authorities while also maintaining its engagement with and support to civil society in implementing the recommendations arising from the universal periodic review. Several missions had been organized between December 2012 and May 2016.[9]

5. Bahrain contributed financially to OHCHR in 2013, 2014 and 2016.

6. Bahrain submitted a midterm report on the implementation of universal periodic review recommendations.[10]

III. National human rights framework[11]

7. The country team noted that the political situation in Bahrain had stagnated since the second cycle of the universal periodic review, in 2012. On the opening of a genuine, all-inclusive and effective national, social and political dialogue aimed at the reconciliation of the parties concerned, the three rounds of national dialogue had done little to change the political scene in the country.[12] Moreover, following the arrest of Khalil Marzooq in September 2013, the political party Al-Wefaq had boycotted the rounds of dialogue in protest, which had eventually led to the suspension of the dialogue on 8 January 2014. The authorities had attempted to restore the dialogue, but an escalation of tensions on the ground meant that the national dialogue had to be suspended again in September 2014.[13] OHCHR encouraged a genuine dialogue between the Government and the opposition without preconditions, in order to create an environment conducive to reconciliation.[14]

8. The country team reported that no amendments had been introduced to the Constitution following those made in May 2012. However, even those amendments had not met the expectations of the opposition. The elections held in November 2014, in line with the constitutional amendments, had been boycotted by the political opposition.[15]

9. The Committee on the Elimination of Discrimination against Women noted the statement by Bahrain that 19 of the 26 recommendations made in the report of the Bahrain Independent Commission of Inquiry had been implemented and recommended that Bahrain expedite the implementation of all the recommendations of the Commission of Inquiry to their full extent.[16] The country team reported the need to define a clear time frame for the implementation of the universal periodic review recommendations on the implementation of the Commission of Inquiry's recommendations.[17] The United Nations Development Programme (UNDP) noted that the human rights institutions had been strengthened with the establishment in March 2012 of a national commission tasked with implementing the Commission of Inquiry's recommendations, while, in a statement on 5 June 2016, the Chair of the Commission of Inquiry had said that "of the Commission's 26 recommendations, only 10 have been substantially implemented, while the other 16 have only been partially implemented".[18]

10. The country team noted that on 29 April 2014 the parliament had approved a new law on the National Institution for Human Rights, in line with the universal periodic review recommendations.[19] The Committee on the Elimination of Discrimination against Women welcomed the establishment of the Institution and recommended that Bahrain strengthen its

independence, effectiveness and visibility in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[32]

11. The country team noted that Bahrain had established the independent Special Investigations Unit and the Ombudsman's Office, and that the number of people reaching out to the Ombudsman had increased to 992, of whom 305 were complainants. It also noted, however, that the Ombudsman's Office did not investigate claims of torture, which it referred to the Special Investigations Unit; 55 cases had already been referred. The head of the Unit stated that 15 officers and 55 personnel had been identified as being involved in acts of torture and ill-treatment.[33]

12. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that Bahrain should be encouraged to further include human rights principles in the academic curricula, to pursue policies and programmes in the education of citizenship and human rights as best practices (particularly policies and programmes aimed at increasing awareness of human rights in Bahrain) and to strengthen education on and awareness of human rights at the national level.[34]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[35]

13. The Committee on the Elimination of Discrimination against Women called upon Bahrain to modify or repeal, without delay, discriminatory legislation, including discriminatory provisions in its Penal Code and Nationality Law, as well as in family matters. It recommended that Bahrain increase its efforts to raise the awareness of the chambers of the parliament, religious and community leaders, civil society organizations and the general public regarding the importance of supporting the acceleration of legal reform.[36]

2. Development, the environment, and business and human rights

14. The United Nations Environment Programme (UNEP) acknowledged the commitments made by the Government towards implementing the 2030 Agenda for Sustainable Development and the Sustainable Development Goals and recommended that Bahrain develop a national programme focusing on the protection of basic human rights relating to the environment.[37]

15. UNEP recommended that Bahrain make a more direct link between the environment, climate change adaptation, sustainable development and human rights, and that it incorporate environmental issues into its human rights law (see targets 3.9 and 6.3 of the Goals), make efforts to address environmental pollution (all the targets of Goal 12) and incorporate sustainable development into the education curriculum (target 4.7).[38]

3. Human rights and counter-terrorism

16. UNDP noted that the Bahraini authorities had used the antiterrorism law to detain and prosecute journalists and rights activists for belonging to "terrorist groups". In December 2014, the authorities had amended the law to extend the maximum period that

someone could be held in pretrial detention to seven months and to expand police powers to enable officers to implement various measures while investigating acts of violence.[29]

17. The Committee on the Elimination of Discrimination against Women recommended that Bahrain ensure that the July 2013 revision of the Law on the Protection of Society from Acts of Terrorism (2006) did not have a negative impact on women on the basis of their political affiliations.[30]

B. Civil and political rights

1. Right to life, liberty and security of person[31]

18. The country team stated that Bahrain had noted all the recommendations on the death penalty made during the previous cycle.[32] According to reports, from 2014 to June 2016 seven people had been sentenced to death. Five of the death sentences had been handed down for charges related to involvement in terrorist acts.[33] The country team and OHCHR criticized the trials, considering them unfair, and the court rulings, which were allegedly based on confessions obtained under torture; moreover, the defendants' allegations of torture had not been properly investigated.[34] OHCHR was appalled at the execution on 15 January 2017 of three men convicted for killing three police officers in 2014, and urged Bahrain to impose a moratorium on the use of the death penalty.[35]

19. The country team stated that on 10 March 2015 riots had erupted in Jaw prison following a dispute between family members and police officers during a family visit. The prison administration had responded with excessive force.[36] OHCHR had expressed concern about the harsh treatment of the detainees, as the security forces had reportedly used rubber bullets, tear gas and shotguns. After the riots had been quelled, the detainees were allegedly forced to spend 10 days in the open courtyard of the prison before being placed in two large plastic tents. Around 100 other detainees accused of instigating the unrest had subsequently been transferred to another section of the prison and had allegedly been subjected to ill-treatment and torture. OHCHR urged the authorities to conduct impartial, speedy and effective investigations and to ensure that any victims of torture or ill-treatment had access to appropriate remedies.[37]

20. The country team reported that the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations had recalled its previous comments regarding legislation allowing the imposition of compulsory prison labour, in circumstances that were incompatible with the Abolition of Forced Labour Convention, 1957 (No. 105).[38] The ILO Committee of Experts noted that penalties of imprisonment were not limited to acts of violence or incitement to violence, but included political coercion and punishment for the peaceful expression of opinions critical of government policies and the established political system, as well as of various non-violent actions affecting the Constitution or the functioning of political associations and the organization of meetings and demonstrations. It hoped that Bahrain would take the measures necessary to ensure that no prison sentence involving compulsory labour was imposed on persons who, without making recourse to violence, expressed political opinions or views opposed to the established political, social or economic system.[39]

21. The country team noted the establishment of the Prisoners and Detainees Rights Commission in 2013 to monitor places of detention and assess the condition of detainees in various facilities. It reported in 2015 that the total number of prisoners (2,468) exceeded by 15 per cent the capacity of the prisons. It also noted that, of the total number of prisoners, 1,021 had been detained for "riots", a category that included such acts as bombing, terrorism, possession of weapons and explosive material, attempted murder and assault on a police officer.[40]

2. Administration of justice, including impunity, and the rule of law[41]

22. The country team noted that the Constitution forbade torture and that the Penal Code criminalized torture. Regarding the recommendations on investigations into cases of torture, deaths in custody and unlawful killings and on prosecutions of alleged perpetrators of such crimes, to hold accountable officials of all ranks, it was reported that by the end of 2015 the Special Investigations Unit had received 298 cases. Little information was available on the exact number of perpetrators who had been tried and sentenced or on the redress measures, if any, afforded to the victims.[42] The country team emphasized that reports of cases of torture inside and outside of detention facilities, during and prior to detention and during interrogation remained widespread. The number of cases received by the Unit and the Ombudsman's Office testified to that. International and national human rights organizations too reported on such cases; their claims were based on interviews with victims.[43]

23. The country team reported that no information had been made available on the results of the investigation into the March 2015 riots in Jaw prison. According to the Ombudsman's Chairperson, the office had received 15 complaints following the event, which it had referred to the Special Investigations Unit.[44]

3. Fundamental freedoms and the right to participate in public and political life[45]

24. The country team reported that the King had issued Law No. 12/2016 amending some of the provisions of Law No. 26/2005 regulating political societies. Law No. 12/2016 amended the method and procedures for forming the organs of such societies and the choice of their leaders, who must not give religious speeches, sermons or guidance, not even without remuneration. It banned the simultaneous membership in a political society and engagement in religious preaching, guidance or speeches. Under no circumstances could anyone combine religious preaching and membership in a political society. The amendment, designed to prevent the exploitation of places of worship and the politicization of religion, had been endorsed by the parliament.[46]

25. A group of United Nations human rights independent experts[47] expressed concern about the systematic harassment of the Shia population by the authorities. They called on Bahrain to stop the arbitrary arrests and issuance of summons, to release all those detained for exercising their rights and to lift the restrictions on movement, including the travel ban, imposed on certain Shia religious leaders and human rights defenders. A wide range of charges had been brought against Shias, including illegal gathering, inciting hatred against the regime, money-laundering and acts of terrorism in relation to peaceful gatherings and religious congregations and the peaceful expression of their beliefs; those charges were considered to be groundless accusations. The independent experts stressed that such charges should not be used as a pretext to restrict freedom of expression, freedom of association and peaceful assembly and freedom of religion or belief. They urged the Government to enter into a dialogue with all relevant parties in order to prevent unnecessary conflict and violence.[48]

26. The independent experts and the country team were concerned that Sheikh Ali al-Salman, an opposition politician and religious figure, had been arrested on 28 December 2014, two days after he had been re-elected Secretary-General of Al-Wefaq, the main opposition political party in Bahrain. The arrest of Mr. Al-Salman had triggered a surge in the number of street protests and clashes with security forces. The independent experts expressed concern about allegations that his hearing had not taken place in accordance with due process standards. They urged the Government to promptly release Mr. Al-Salman and all those who had been detained for the peaceful expression of their views. They condemned the fact that Mr. Al-Salman had been sentenced to nine years' imprisonment on charges of inciting violence after a court of appeal had more than doubled his prison term,

which had been four years. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression said: "The sentencing of Sheikh Ali al-Salman seems to confirm a worrying trend of political repression further shrinking the space for any form of dissent in Bahrain today". The experts concluded that the detention was arbitrary.[49]

27. OHCHR and the country team reported that in July 2016 the Bahraini High Civil Court had ordered the dissolution of Al-Wefaq and the liquidation of its assets. They deeply regretted the decision. It was also reported that the court hearing on the ban had been carried out without due regard for fair trial principles. OHCHR and the country team urged the authorities and the national human rights institutions to take immediate confidence-building measures to ensure that the rights to freedom of peaceful expression, assembly and association were respected and to review the decision to ban Al-Wefaq and other organizations whose activities had been suspended for the peaceful exercise of their rights.[50]

28. UNESCO noted that in 2014 the Government had amended the Penal Code[51] to make defamation punishable by up to seven years' imprisonment and a fine of up to 10,000 Bahraini dinars for anyone who publicly insulted the King, flag or national emblem of Bahrain.[52] UNESCO recommended decriminalizing defamation and placing it under the scope of a civil code that was in accordance with international standards.[53]

29. UNESCO stated that freedom of speech was guaranteed under the Constitution but that the 2002 Press and Publications Law required all journalists working with international media to obtain a licence, which must be renewed annually, from the Ministry of Information Affairs.[54] UNESCO emphasized that the country team had noted that the Ministry had issued Edict No. 68/2016 to regulate the online activities of newspapers, requiring them to acquire a supplementary licence to publish online, imposing restrictions on electronic media, requesting print media outlets to apply annually for a licence and not permitting live streaming. Article 19 of the Press and Publications Law reaffirmed the Ministry's authority to license publications and to ban those that "harmed the regime, the official State religion, morality or different confessions in a way likely to cause a breach of the peace". Journalists' sources did not explicitly enjoy legal protection and there was no press council. Furthermore, the Minister for Information Affairs had issued a decision in 2016 instructing Internet service providers to install a system to filter out and block certain websites that were viewed by the central administration as illegal or restricted in Bahrain.[55]

30. The country team reported that freedom of information and access to information were not guaranteed in the Constitution, but that the Press and Publications Law provided for "any restraints on flow of information or that might cause unequal access to information for newspapers or disrupt citizens' right to knowledge are prohibited if they do not violate public security and the nation's supreme interests".[56] UNESCO encouraged Bahrain to introduce a freedom-of-information law in accordance with international standards and recommended that it align its current practices with international standards. It recommended that Bahrain further facilitate the introduction of self-regulatory mechanisms.[57]

31. The Special Rapporteur on the situation of human rights defenders was extremely concerned about clauses, such as articles 214 and 216 of the Penal Code, that criminalized offending the King, the flag or the national emblem of Bahrain, as well as the National Assembly and other State institutions. The broad scope of article 165 of the Constitution was being used to silence a wide range of critical speech considered to be hostile towards the Government. The Special Rapporteur expressed his grave concerns to the Government concerning the crackdown against Bahraini human rights defenders, including Maytham al-Salman and Abdulhadi al-Khawaja. He repeatedly urged the authorities to review laws and practices to ensure that they were compliant with the obligations of Bahrain under human

rights law, especially the freedoms of expression and association and the right not to be arbitrarily deprived of one's liberty.[58]

32. The country team and OHCHR reported that freedom of expression was being targeted in law and in practice. Many human rights defenders and political activists faced trials over statements made on social media. The country team and OHCHR were seriously concerned about the ongoing prosecution of the President of the Bahrain Center for Human Rights, Nabeel Rajab, who had been arrested on 13 June 2016. Mr. Rajab had been convicted and then pardoned for tweets he had written in 2014. On 5 September 2016, he had also been charged with "intentionally broadcasting false news and malicious rumours abroad, impairing the prestige of the State". That charge carried a sentence of at least one year's imprisonment. OHCHR emphasized that criticizing the Government should not constitute grounds for detention or prosecution and called on the authorities to immediately and unconditionally release Mr. Rajab. It also urged the Government to take all steps necessary to secure the right to freedom of opinion and expression in accordance with fundamental principles set out in the International Covenant on Civil and Political Rights.[59] The Committee against Torture drew the attention of Bahrain to information received regarding the arrest of Mr. Rajab and urged the Government to provide, as a matter of urgency, information on the measures taken to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially its article 13.[60]

33. The country team was concerned with the recent measures adopted by the authorities restricting the movement of citizens. It reported that since May 2016 the authorities had allegedly imposed travel bans on several human rights defenders. Furthermore, following the revocation of Sheikh Issa Qasim's citizenship, the authorities had imposed restrictions on the movement of people to the village of Duraz in an attempt to restrict gatherings and sit-ins by supporters of the Sheikh.[61]

34. On ensuring that measures are implemented to guarantee the freedoms of expression, association and peaceful assembly, the country team reported that, since August 2013 and following the amendments made to article 11 of the Law on Public Gathering, the authorities had imposed a ban on public demonstrations in Manama.[62] The country team stated that, according to recent reports by human rights groups, between February 2011 and the end of 2014, a total of 8,824 people, including 286 women and 720 children, had been arrested.[63]

35. The Committee on the Elimination of Discrimination against Women noted the information provided by Bahrain that it was revising the draft law on civil organizations and institutions. It was concerned that under Law No. 21/1989, on associations, women's freedom of association was being hindered by lengthy registration procedures and excessive supervision.[64]

36. The country team observed that, with regard to the recommendations on empowering women economically, politically and socially, on eliminating discrimination against women and on strengthening women's roles in society, women's representation in decision-making remained limited. Women's participation in the economic sector remained low and many women who had been dismissed from work following the 2011 events had not been re-instituted.[65] The Committee on the Elimination of Discrimination against Women regretted that women continued to be underrepresented in political and public life, in particular in the parliament and in local councils, and in decision-making positions. It called upon Bahrain to increase the number of women in political and public life at all levels and in all areas and to promote women in leadership positions.[66]

37. The same Committee was particularly concerned about allegations that, in the aftermath of the political events of February/March 2011, some women had experienced ill-

treatment and intimidation by law enforcement officials and dismissals, suspensions and downgrading of professional positions in the public and private sectors, in addition to various other forms of retribution for their civic engagement, including detention and revocation of nationality, and that a number of women remained in detention. It recommended that Bahrain ensure that any sanctions against women who had peacefully participated in or had appeared to support the events were immediately discontinued and that women did not suffer from their political affiliations, were immediately reinstated in the posts they occupied and were compensated and rehabilitated.[67]

4. Prohibition of all forms of slavery[68]

38. The Committee on the Elimination of Discrimination against Women reiterated its concern about the prevalence and extent of trafficking in girls and women to Bahrain for the purposes of forced labour and sexual exploitation. It recommended adopting and implementing a national strategy against trafficking that included criminal justice measures to prosecute and punish traffickers.[69]

5. Right to privacy and family life[70]

39. The Committee on the Elimination of Discrimination against Women remained concerned that under existing laws women continued to be denied equal rights with men with regard to family relations, in particular marriage, the legal age of marriage, divorce, child custody, guardianship and inheritance. It encouraged Bahrain to adopt a unified family law that provided for equality and effective access to justice in family issues.[71]

40. The same Committee noted with interest the adoption of the first part of Law No. 19/2009 on family rulings, which pertains to family issues within the Sunni community. It remained concerned that the lack of a uniform family code and the fact that the law does not apply in Shiite courts left Shiite women unprotected by a codified personal status law.[72] The country team noted that women's groups were still pressing for a unified personal status law for all citizens. However, the issue was a matter of intense debate between the Sunni and Shia communities in Bahrain. Shia religious scholars demanded a constitutional guarantee that their personal status law could not be amended. The debate had postponed any actual work on developing a unified personal status law that was in line with international standards.[73]

41. The Committee on the Elimination of Discrimination against Women expressed serious concerns about the discrimination and legal restrictions that women continued to face in the context of divorce. It called upon Bahrain to fully harmonize Law No. 19/2009 with the Convention on the Elimination of All Forms of Discrimination against Women, so as to eliminate restrictions on and discrimination against women in matters relating to divorce.[74]

42. The same Committee reiterated its recommendation on raising the minimum age of marriage for girls to 18 years and to take specific measures to end the practice of polygamy.[75]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[76]

43. The Committee on the Elimination of Discrimination against Women was concerned that women had been disproportionately affected by unemployment and discrimination relating to work and that a persistent wage gap between women and men existed in practice.[77] The same Committee and the ILO Committee of Experts noted the adoption of Law No. 36/2012, on labour law in the private sector, and recommended that Bahrain

ensure that restrictions on women's work did not perpetuate occupational segregation or stereotypes regarding the roles and capabilities of women. They urged Bahrain to define and expressly prohibit sexual harassment in employment and occupation, and to take practical measures to prevent such harassment, including by adopting legislation.[78]

44. The country team added that the Committee had recalled its previous comments urging the Government to take steps to ensure that the new labour law included provisions explicitly defining and prohibiting direct and indirect discrimination, on all grounds, with respect to all aspects of employment and occupation and covering all workers, including domestic workers. The Committee noted that the labour law did not define discrimination and did not appear to prohibit indirect discrimination.[79]

2. Right to health

45. The country team observed that Bahrain had several structures that supported the progressive realization of the right to health but that there was still room for improvement.[80]

46. The Committee on the Elimination of Discrimination against Women was concerned that female migrant workers had difficulty in gaining access to free emergency health services. It recommended that Bahrain ensure that female migrant workers had access to free emergency medical services.[81]

47. The same Committee was concerned that abortion had been criminalized even when the pregnant woman was the victim of rape or incest. It recommended that Bahrain consider making legal amendments to allow abortion in cases of rape and incest, with a view to protecting the best interests of the victim, and to remove punitive measures imposed on women who undergo an abortion in such cases.[82]

3. Right to education[83]

48. UNESCO recommended that Bahrain further strengthen public education, make legislation and policies more accessible for monitoring by public institutions and, since women represent half of society, ensure that they had the same opportunities in the higher education system as men to receive scholarships and study placements.[84]

49. The Committee on the Elimination of Discrimination against Women commended Bahrain for the advances made in the education of girls and women and the importance given to their enrolment in non-traditional vocational training. It recommended that Bahrain further diversify the educational and vocational choices and provide tabulated data.[85]

D. Rights of specific persons or groups

1. Women[86]

50. The Committee on the Elimination of Discrimination against Women called upon Bahrain to prohibit and sanction both direct and indirect discrimination against women. It recommended strengthening education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the Convention on the Elimination of All Forms of Discrimination against Women and its direct applicability in national courts.[87]

51. The same Committee noted the existence of a bill to combat domestic violence (the drafting of which had begun in 2007) that was currently under consideration by the chambers of the parliament. It was deeply concerned about the slowness of the process. It urged Bahrain to expedite the adoption of the bill to combat domestic violence, criminalize violence against women and provide for effective remedies and sanctions.[88]

52. The same Committee reiterated its concern that several provisions of the Penal Code condoned acts of violence against women by exempting perpetrators from punishment. In particular, it exempted perpetrators of rape from prosecution and punishment if they married their victims. Moreover, article 334 of the Penal Code reduced the penalties for perpetrators of crimes committed in the name of so-called honour. The Committee urged Bahrain to revise the Penal Code, repealing any provisions that condoned acts of violence against women, such as articles 334 and 353, and including provisions to criminalize marital rape.[89]

53. The same Committee reiterated its concern about the limited support provided by the Supreme Council for Women to non-governmental organizations.[90]

54. The Committee urged Bahrain to ensure that women and girls who were victims of violence, including domestic violence, had access to effective protection and that perpetrators were prosecuted and punished.[91] It recommended that Bahrain ensure access to legal aid for victims and to the necessary assistance, support and protection.[92]

2. Children[93]

55. The country team noted that, through Royal Decree No. 23 of 2013, the authorities had amended the scope of risk of delinquency for juveniles (children under 15 years of age) to include participation in a demonstration, a march, a public gathering or a political sit-in alongside gambling, prostitution etc. According to the Decree, parents of at-risk juveniles were subject to a fine and or imprisonment.[94] In 2012, the King had issued a law on children's rights but violations continued to be committed against children. In 2014, 28 children had been detained.[95]

3. Migrants, refugees, asylum seekers and internally displaced persons[96]

56. The ILO Committee of Experts asked the Government to ensure the effective protection of all migrant workers against discrimination on the grounds of race, sex, colour, religion, political opinion, national extraction and social origin, and to ensure that they had access to appropriate procedures and remedies.[97]

57. The country team estimated that the total number of migrants had reached 729,357, or 54.7 per cent of the population, of which women constituted 27.8 per cent.[98]

58. The country team observed that Law No. 36/2012 covered migrant workers but did not offer protection for migrant domestic workers.[99] The Committee on the Elimination of Discrimination against Women was concerned about the limited scope of application of the law, given the many cases of violence, abuse and exploitation experienced by women migrant workers, most of whom were employed as domestic workers. It called upon Bahrain to strengthen the legal protection of women migrant workers.[100]

59. The same Committee commended Bahrain for the adoption of decision No. 79 (2009), aimed at reforming the sponsorship system, but was concerned that conditions in employment contracts set by employers could undermine the purpose of the decision.[101]

60. UNHCR reported that Bahrain did not have domestic legislation on refugees.[102] It noted that the absence of a designated national department for refugees and asylum seekers created confusion for people seeking protection and hindered the work of international organizations. UNHCR recommended creating such a body within the Ministry of the Interior to facilitate the identification and, therefore, the protection of persons in need and adopting national refugee legislation in order to better frame the rights and obligations of refugees and asylum seekers, including the right to seek asylum.[103]

4. Stateless persons[104]

61. UNHCR estimated that there were approximately 1,000 persons who were stateless in Bahrain, mainly because their nationality had been revoked. Several Bahraini nationals, including Shias and Sunnis, whose nationality had been revoked had been left stateless. UNHCR recommended that Bahrain amend article 10 (c) of the 1963 Citizenship Act, to bring it into line with international standards.[105] A group of experts[106] was concerned about the systematic harassment by the authorities of Shias, many of whom had been stripped of citizenship. They observed that the authorities were using the Citizenship Act and the "protection of society agains: acts of terror" law to revoke citizenship. They urged the Government to enter into a dialogue with all relevant parties in order to prevent unnecessary conflict and violence.[107] The country team stated that Shia religious leaders were repeatedly intimidated and attacked.[108] Since 2012, the authorities had revoked the citizenship of over 250 religious figures, human rights defenders and political activists. On 6 November 2012, the Bahraini authorities had announced the revocation of the citizenship of 31 activists (members of parliament, religious men and political activists). The statement of the Ministry of the Interior indicated that the action was in line with article 10 (c) of the Citizenship Act. In 2014, the law had been amended to allow the Minister of the Interior to revoke, with the approval of the cabinet, the citizenship of those "causing damage to the interest of the State" or "those who are disloyal". In September 2014, nine individuals had been stripped of their nationality by court order. In February 2015, the Ministry of the Interior had announced the revocation of the citizenship of 72 Bahrainis, 56 of whom had been stripped of their nationality in accordance with the newly amended antiterrorism law (Decree No. 68 of 2014). In addition to revoking citizenship, the Bahraini authorities had started deporting those stripped of their citizenship. More than five persons had been deported since late 2014, a measure that had resulted in suffering to them and their families.[109]

62. The Committee on the Elimination of Discrimination against Women was concerned that women still did not enjoy equal rights to nationality.[110] The country team and UNHCR reported that since the recommendations on that topic had been adopted during the second cycle of the universal periodic review, Bahrain had not adopted any bill to amend the 1963 Citizenship Act to enable Bahraini women married to non-Bahraini men to confer their nationality on their children.[111] Nonetheless, the Act allowed mothers to confer their nationality on their children under certain conditions, namely if the father was unknown or stateless. However, women were still unable to confer their nationality on their children on an equal basis with men. The country team and UNHCR encouraged Bahrain to amend the Act.[112] The Committee on the Elimination of Discrimination against Women noted the slow pace of the adoption of the draft amendments to the Act and expressed special concern that such amendments would not automatically grant the children of Bahraini women married to foreigners the nationality of their mothers, but would only codify the present system. It urged Bahrain to expedite the adoption of the amendments to the Act to bring it into full compliance with the Convention on the Elimination of All Forms of Discrimination against Women.[113] The Committee welcomed the Royal Order of 2011 granting Bahraini nationality to 335 children and the cabinet decision of January 2014 granting Bahraini nationality to the children of Bahraini women married to foreigners, subject to certain conditions.[114] The country team stated that little was known about the criteria used for selecting the children.[115] The Committee was concerned about the situation of stateless persons, including the possibility of children of Bahraini women married to foreigners becoming stateless.[116]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Bahrain will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/BHSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/6, paras. 115.1-115.20, 115.54, 115.57-115.67, 115.79, 115.157 and 115.163.
[3] See CEDAW/C/BHR/CO/3, para. 49.
[4] Ibid., para. 54.
[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21092&LangID=E.
[6] See CEDAW/C/BHR/CO/3, para. 34, and UNHCR submission to the universal periodic review of Bahrain, pp. 4-5.
[7] UNHCR submission, pp. 3-4.
[8] See CEDAW/C/BHR/CO/3, paras. 9-10 and 33-34.
[9] Ibid., paras. 43-44.
[10] United Nations country team submission to the universal periodic review of Bahrain, p. 2.
[11] Ibid.
[12] The report is available from www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx and www.upr.bh/index.php/progress-report-2014.
[13] For relevant recommendations, see A/HRC/21/6, paras. 115.21-115.27, 115.29-115.30, 115.32-115.38, 115.40-115.41, 115.44, 115.46, 115.48-115.50, 115.52-115.53, 115.55, 115.68, 115.77, 115.88, 115.90, 115.92, 115.95-115.96, 115.102-115.105, 115.113, 115.119, 115.129, 115.131, 115.139, 115.141-115.144, 115.151-115.154, 115.157, 115.160, 115.162, 115.164 and 115.166-115.168.
[14] For relevant recommendations, see A/HRC/21/6, paras. 115.40, 115.55, 115.129, 115.131 and 115.134.
[15] Country team submission, p. 1. For relevant recommendations, see A/HRC/21/6, paras. 115.40 (Mexico), 115.55 (Jordan), 115.129 (Islamic Republic of Iran), 115.131 (Uruguay) and 115.134 (Jordan).
[16] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16043&LangID=E.
[17] Country team submission, p. 1. For the relevant recommendation, see A/HRC/21/6, para. 115.50.
[18] See CEDAW/C/BHR/CO/3, paras. 29-30.
[19] For relevant recommendations, see A/HRC/21/6, paras. 115.28 (Norway), 115.43 (Sweden), 115.107 (Republic of Korea), 115.124 (Denmark), 115.127 (Thailand), 115.132 (Qatar), 115.133 (Egypt), 115.134 (Jordan), 115.135 (Kuwait), 115.136 (Oman) and 115.137 (Saudi Arabia).
[20] Country team submission, pp. 2-3.
[21] Ibid., 2016, p. 3. For relevant recommendations, see A/HRC/21/6, paras. 115.34 (Indonesia), 115.35 (Maldives) and 115.36 (Poland).
[22] See CEDAW/C/BHR/CO/3, paras. 47-48.
[23] Country team submission, pp. 3-4. See also the third annual report of the Ombudsman's Office, available from www.ombudsman.bh/mcms-store/pdf/862-Ombudsman%20Annual%20Report%20E%202015-2016%20L.R-120350.pdf.
[24] UNESCO submission to the universal periodic review of Bahrain, pp. 7 and 14-15. For relevant recommendations, see A/HRC/21/6, paras. 115.152 (Austria), 115.166 (Malaysia) and 115.167 (Senegal).
[25] For the relevant recommendation, see A/HRC/21/6, para. 115.70 (United Arab Emirates).
[26] See CEDAW/C/BHR/CO/3, paras. 13-14.
[27] Country team submission, pp. 11-12.
[28] Ibid., pp. 11-12.
[29] Ibid., p. 11.
[30] See CEDAW/C/BHR/CO/3, paras. 29-30.
[31] For relevant recommendations, see A/HRC/21/6, paras. 115.78, 115.80-115.83, 115.89, 115.120 and 115.121.
[32] For relevant recommendations, see A/HRC/21/6, paras. 115.19 (France), 115.51 (Senegal), 115.78 (Austria), 115.80 (Spain), 115.81 (Italy), 115.82 (Germany) and 115.83 (Argentina).
[33] Country team submission, p. 5.

[34] Ibid., and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21092&LangID=E.
[35] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21092&LangID=E.
[36] Country team submission, pp. 6-7.
[37] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16043&LangID=E.
[38] Country team submission, p. 5.
[39] ILO Committee of Experts on the Application of Conventions and Recommendations, observation on the implementation by Bahrain of the Abolition of Forced Labour Convention, 1957 (No. 105). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3182395:NO.
[40] Country team submission, p. 4.
[41] For relevant recommendations, see A/HRC/21/6, paras. 115.28, 115.31, 115.42-115.43, 115.45, 115.56, 115.84-115.87, 115.98, 115.106-115.112, 115.114-115.118, 115.123-115.125, 115.127-115.128, 115.130 and 115.132-115.137.
[42] Country team submission, p. 3. For relevant recommendations, see A/HRC/21/6, paras. 115.85 (Italy), 115.86 (Austria), 115.87 (Czechia), 115.108 (Germany), 115.111 (Switzerland), 115.112 (Norway) and 115.121 (Finland).
[43] Country team submission, p. 7.
[44] Ibid., pp. 6-7.
[45] For relevant recommendations, see A/HRC/21/6, paras. 115.99, 115.126, 115.145, 115.147-115.150, 115.155-115.156, 115.158, 115.161 and 115.163.
[46] Country team submission, pp. 8-9.
[47] The experts were the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights defenders.
[48] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375&LangID=E.
[49] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20045&LangID=E.
[50] Country team submission, pp. 8-9. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20284&LangID=E.
[51] See www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code_html/Bahrain_Penal_Code_1976.pdf.
[52] Country team submission, p. 2.
[53] UNESCO submission, p. 15.
[54] Ibid., pp. 13-14.
[55] Country team submission, pp. 7-8. See also UNESCO submission, pp. 13-14.
[56] Country team submission, p. 7.
[57] UNESCO submission, pp. 13-16.
[58] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18471&LangID=E. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15460&LangID=E, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17252&LangID=E.
[59] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21061&LangID=E and Country team submission, p. 8. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15135&LangID=E.
[60] Letter dated 13 May 2015 from the Committee against Torture addressed to the Permanent Representative of Bahrain to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BHR/INT_CAT_RLE_BHR_7717_E.pdf.
[61] Country team submission, p. 7.
[62] Ibid., p. 8. For relevant recommendations, see A/HRC/21/6, paras. 115.24 (Slovakia), 115.27 (Ireland), 115.98 (United States of America), 115.99 (Canada), 115.160 (Costa Rica), 115.161 (Australia) and 115.163 (Japan).
[63] Country team submission, p. 8.
[64] See CEDAW/C/BHR/CO/3, paras. 30-31.

[65] Country team submission, pp. 4-5. For relevant recommendations, see A/HRC/21/6, paras. 115.39 (Cuba), 115.48 (Bangladesh), 115.49 (Egypt), 115.50 (Oman), 115.51 (Senegal), 115.52 (United Arab Emirates), 115.71 (Morocco), 115.73 (Chile), 115.77 (Nicaragua) and 115.96 (Argentina).
[66] See CEDAW/C/BHR/CO/3, paras. 27-28.
[67] Ibid., paras. 29-30.
[68] For relevant recommendations, see A/HRC/21/6, paras. 115.91, 115.94, 115.97, 115.100-115.101, 115.122, 115.146 and 115.159.
[69] See CEDAW/C/BHR/CO/3, paras. 25-26.
[70] For relevant recommendations, see A/HRC/21/6, paras. 115.75 (India), 115.138 (Chile) and 115.140 (Japan).
[71] See CEDAW/C/BHR/CO/3, paras. 43-44.
[72] Ibid.
[73] Country team submission, p. 7.
[74] See CEDAW/C/BHR/CO/3, paras. 45-46.
[75] Ibid., paras. 43-44. See also CEDAW/C/BHR/CO/2, para. 39.
[76] For relevant recommendations, see A/HRC/21/6, paras. 115.175-115.176.
[77] See CEDAW/C/BHR/CO/3, paras. 37-38.
[78] ILO Committee of Experts on the Application of Conventions and Recommendations, observation on the implementation by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), available from www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3084466. See also CEDAW/C/BHR/CO/3, paras. 37-38.
[79] Country team submission, p. 4. See also the ILO Committee of Experts on the Application of Conventions and Recommendations, observation on the implementation by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3084466:NO.
[80] Country team submission, pp. 9-10.
[81] See CEDAW/C/BHR/CO/3, paras. 41-42.
[82] Ibid.
[83] For relevant recommendations, see A/HRC/21/6, paras. 115.169-115.172.
[84] UNESCO submission, pp. 11 and 15.
[85] See CEDAW/C/BHR/CO/3, paras. 35-36.
[86] For relevant recommendations, see A/HRC/21/6, paras. 115.39, 115.51, 115.69 and 115.71-115.74.
[87] See CEDAW/C/BHR/CO/3, paras. 11-12.
[88] Ibid., paras. 21-22.
[89] Ibid., paras. 21-22.
[90] Ibid., paras. 15-16.
[91] Ibid., paras. 21-22.
[92] Ibid., paras. 25-26.
[93] For the relevant recommendation, see A/HRC/21/6, para. 115.29.
[94] Country team submission, p. 5.
[95] Ibid.
[96] For relevant recommendations, see A/HRC/21/6, paras. 115.76 and 115.173-115.174.
[97] ILO Committee of Experts on the Application of Conventions and Recommendations, observation on the implementation by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), available from: www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3084466:NO.
[98] Country team submission, p. 10.
[99] Ibid., pp. 10-11.
[100] See CEDAW/C/BHR/CO/3, paras. 39-40.
[101] Ibid.
[102] UNHCR submission, p. 1.
[103] Ibid., p. 3.
[104] For relevant recommendations, see A/HRC/21/6, paras. 115.75, 115.95-115.96 and 115.140-115.143.
[105] Ibid., p. 4.

[106] The experts were the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights defenders.

[107] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375&LangID=E.

[108] Country team submission, p. 8.

[109] Ibid., pp. 5-6. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14533&LangID=E.

[110] See CEDAW/C/BHR/CO/3, paras. 33-34.

[111] For relevant recommendations, see A/HRC/21/6, paras. 115.75, 115.95 and 115.142.

[112] Country team submission, p. 6, and UNHCR submission, pp. 2-3. For relevant recommendations, see A/HRC/21/6, paras. 115.75 (India), 115.95 (Uruguay) and 115.142 (Sudan).

[113] See CEDAW/C/BHR/CO/3, paras. 33-34.

[114] Ibid.

[115] Country team submission, p. 6.

[116] See CEDAW/C/BHR/CO/3, paras. 33-34.